

LETTER FROM HENDERSHOT TO CROWLEY

From: David Hendershott - SHERIFFX
Sent: Saturday, July 10, 2010 1:41 PM
To: Peter Crowley - RMX
Subject: Corrections from draft email sent on Friday 7/9/10

Peter,

The Sheriff's Office would like a meeting with you and Mr. Armfield regarding an analysis of the pending claims by the BOS and your supervisors.

We have and will provide you with all of the evidence against these BOS and County Management which proves these claims are frivolous and should not be allowed to move forward to mediation.

I will also give you direct evidence of actions on the part of Mr. Armfield that will show he has been intimidated by the BOS and Wade Swanson.

I want to make my self clear that Risk Manager Rocky Armfield has not preformed his duty and responsibility to the Trust and to the Sheriff's Office. Regardless, we will give you all of the criminal evidence against the BOS, County management, judges, and outside claimants. You can not ignore our complete disclosure of criminal activity before you chose to abandon the responsibly that you have to the taxpayers, the Trust, the Sheriffs office and its employees. You keep telling me that you are responsible for the Trust, and for protecting it. It would be malfeasance for you to ignore my demand to review the disclosure of criminal evidence against the claimants and others that we will present at trial. This will save the Trust millions of dollars in unnecessary payouts. You will see first hand the crimes committed by these people including crimes not yet indicted and/or disclosed.

I am also forwarding this latest information to the assigned Special Prosecutor in the Don Stapley and Mary Rose Wilcox criminal cases. I will also disclose Andy Kunasek's violation of the conflict of interest rules that occurred when he voted for the so called Resolution process, while knowing that he is currently under criminal investigation, and that he had participated in a pre-indictment free-talk at the request of his personal criminal attorney.

I will also provide you evidence that prior to Rick Romley's appointment as the interim county attorney, Andy Kunasek or his agent disclosed to Romley this pending investigation and the pre-indictment free-talk with the prosecutor. We are deeply concerned that given the fact that Rick Romley was the attorney for the BOS and Kunasek, that Kunasek used this contact as a means to obtain the assurance of Romley's support to stop the criminal investigation on Kunsek. In support of this, Romley has refused numerous requests to send this investigation to an outside prosecutor. I have also learned that Rick Romley communicated to a reporter from the Arizona Republic that the case had no merit, which is a tremendous prosecutorial breach of Romely's ethical responsibilities given his direct conflict as Kunasek's prior attorney.

Given all of the aforementioned, Kunasek clearly violated the conflict of interest rules when he cast his vote for the so called mediation process.

These criminal cases contain details that must be considered and would legally void any vote on the fraud of the mediation process that has been undertaken. You can not let this process continue until you have seen the evidence of the pending case that deals with Kunasek's vote if you insist that you remain the administrator of the trust.

I will warn you that one of the pending felony investigations is on your direct supervisor Sandi Wilson. Any disclosure of the evidence against her or other members of the BOS, David Smith and all of the claimants would be inappropriate. Carefully consider your actions and protect your own interests in this matter. I will let you know that our evidence against Rocky Armfield is all tape-recorded, as is most of the evidence against the claimants in our criminal investigations. We have not offered to release this information to you in the past as we feared that your position is also compromised, and that you share Mr. Armfield's fear of retaliation, and that you would surrender to pressure from Sandra Wilson, David Smith, Wade Swanson and the BOS to handover the criminal evidence, compromising these criminal investigations. Concern about you receiving this evidence in these pending criminal investigation is directly related to a private meeting that David Teirney, you and I had, in which you expressed that you had the decision making power on trust matter unless you were overruled by your supervisor Sandi Wilson, David Smith or the BOS, which means that you truly no independent authority. If you do not remember the conversation, don't worry I have what you said in the meeting preserved to help your recollection.

The time has come, regardless of my reluctance to trust you or your personal ethics in this matter, for you to see all the evidence. I do this to save the taxpayers from a great injustice. You may want to consult you own personal counsel due to the volatile nature of the situation, and the pressure that you will be under by your supervisors and the BOS to hand over and compromise the direct evidence in our ongoing cases against them. We will be giving direct undisclosed evidence of criminal wrongdoing on the part of the claimants.

Peter, here is your reality and your dilemma: Should Don Stapley, Mary Rose Wilcox be indicted for a third time, as well as others not yet charged, after your area has played a role in unethically ignoring evidence being turned over to you, and you choose to abandon your fiduciary duty to the Trust, taxpayers, the Sheriff and his deputies (destroying reputations), and then have indictments come out on these claimants after you have given them millions, how will you explain this to the Trust, the taxpayers, and the deputies that you have left hanging? Your worst course of action is to refuse the evidence that I am turning over to you. Make no mistake that I am turning this evidence over to you, unless you provide a safe alternative that protects your interests in this matter as well.

It will save the taxpayers millions by doing what has always been done in the past with these types of claims by suspects, and that is making claimants file lawsuits and require them to participate in discovery, which of course will never be undertaken by these claimants.

We are gathering and arranging all of the evidence and pending criminal cases now. It will take me several weeks to get it all organized and arrange for you to speak directly with the investigating detectives on the numerous cases.

I would guess that the review process for all of the criminal evidence will take approximately three weeks. This will include Grand Jury material that was gathered, thousands of pages of evidence and transcripts, tape recordings of numerous county and non county employees, and video interviews.

If you do what I believe is the safest move, you should get an outside non conflicted counsel to get the County to pick an outside non conflicted counsel to have a judge pick an impartial out of state Risk Manager with no connection to Maricopa County. This would insure that you and your risk management department plays no role in the vetting of the independent risk manager who would review the direct evidence that we have against the claimants BEFORE deciding if these claims should be settled. The taxpayers are better served by letting these cases move ahead in order to obtain direct discovery.

I can tell you if these people are forced to file their lawsuits, the lawsuit will never come because they will never stand up to the magnitude of evidence of wrong doing that we possess in these investigations. The fact that your department played a direct role in the selection of Fienburg and Skully is a conflict in itself, but you and I both know that the battle for what is right for the taxpayers, the Trust, and the Sheriff's Office is with the risk managers decision to force the lawsuits or not defend your insured, the Sheriff, and or require discovery. You and I both know that Fienburg and Skully have not been given the power to decide anything except how much money should be paid to each claimant. David Smith is in no way in the position to act as the Board to determine how much money is paid to members of the Board. The evidence that I am turning over will show abundant proof of his conflicts.

You have successfully pulled the wool over the public's eyes up to now that these so called mediations take into consideration that the investigators' actions have played a role in this fraudulent process. You and I both know that is the Big Lie, case in point Carrie Gerchick's public statements that the protester settlements were due to the deputies actions. We both know this is an obvious and rancorous lie, and that Jackie Garrett and attorney Maria Brandon in her 31 years of experience said that she stood a 100 percent chance of eliminating all of these cases by filing a motion to dismiss, which she has done thousands of times over her 31 years of service. The recordings dealing with Armfield are clear proof of the fraud against the Trust, Sheriff and taxpayers by Armfield, county lawyers and the BOS. Now, you will have the evidence of wrong doing.

Please do not ignore this. And, please carefully consider who you choose to disclose this criminal evidence to, as you are now in a position to potentially be asked to disclose evidence and information regarding these criminal matters. Because these cases involve the Grand Jury, you now have placed me in an impossible position of disclosing evidence to stop further fraud. You will have to determine the risks that you face on your own, given your personal situation, when the attempt is made to compromise yourself by county lawyers, David Smith, Sandi Wilson, and the BOS by concocting bogus justification that will require you to disclose the criminal evidence which will help suspects learn what evidence exists against them.

I will tell you that no one in the county legal team is free of conflict, this would include Richard Stewart, Wade Swanson, Tom Irvine, Ed Novak, Rick Romley and your so called carefully vetted outside attorneys that you have picked. Please tell me who you have assigned to receive this evidence, and we will start to arrange the interviews quickly.

Please make no attempt to intimidate or terminate Jackie Garrett or Maria Brandon in anyway. In the meeting that we conducted, where you attempted to chastise Brandon for the issuance of a litigation hold letter to Mr. Skully, while Brandon was acting as my attorney, Richard Stewart violated my attorney client privilege, clearly disregarding his promise to protect my privilege. This was a direct attempt to by you to intimidate my attorney, Maria Brandon. When you learned that Richard Stewart played a direct role in Maria Brandon's issuance of the litigation hold letter to Mr. Skully, you backed off from your attacks on Ms. Brandon.

Mr. Skully regardless is a witness at this point and is conflicted from any future mediation involving the Sheriff Office. His demeanor after receiving the litigation hold from Maria Brandon has been documented and was discussed in our meeting Thursday. It is clear evidence of his inability to be impartial to the Sheriff's Office from this point forward.

In my 31 years of service as a Deputy Sheriff for Maricopa County, I would like to be clear on one point: I will vigorously defend the actions of every deputy sheriff and his or her involvement in this Office's corruption investigations regardless of personal attacks on my family and me. Your latest missive of reservation of rights letter is comical and nothing more than an attempt by the BOS, senior county management, county attorneys, you, and other members of risk management to intimidate me, Sheriff Arpaio, and his deputy sheriffs from performing our sworn duty to uphold the laws of the State of Arizona and the Constitution of the United States. You, the BOS, and senior county management have seriously miscalculated your abilities to intimidate us.

I will be out of town next but will contact you when I return. I look forward to meeting with you in approximately three weeks with all the evidence.

Regards
Chief Hendershott